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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,157	02/01/2001	Takefumi Nagumo	09792909-4826	3276

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,157

Applicant(s)

NAGUMO ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 9 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,5,7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yagasaki (USP 5,953,455).

With respect to claim 1, Yagasaki discloses an image encoding apparatus (image coding device 10 of fig 5), for encoding an image signal to generate an image encoded bit stream, see (col.7, lines 42-45) comprising: a shape information memory (memory 11 of fig 5) for storing a plurality of shape information, see (reference picture signal stored in the memory 11 of fig 1, see col.7, line 62-64); selection means (selector 12 of fig 5, reads out the reference picture from the memory 11 of fig 5) for selecting desired shape information from said shape information memory (memory 11 of fig 1, see col.7, lines 63-65); and encoding means (encoder 13 of fig 5) for generating image encoded bit stream (bit stream outputted from encoder 13 of fig 5) corresponding to a predetermined image format, (to image decoder of fig 5) from said selected shape information and said image signal.

With respect to claim 3, Yagasaki discloses the image encoding apparatus (10 of fig 5) wherein said plurality of shape information (data stored in memory 11 of fig 1) are encoded in advance by an optional encoding format, (coder 13 of fig 5) said apparatus comprising decoding means (decoder of fig 5) for decoding said shape information and outputting said decoded shape information to said encoding means (recoding medium 7 of fig 5).

With respect to claim 5, Yagasaki discloses an image encoding method (shown in fig 5) for encoding an image signal to generate an image encoded bit stream, (bit stream out put of fig 5) comprising: a step of selecting desired shape information from a shape information memory storing a plurality of shape information (selector 12 of fig 5, reads out the reference picture from the memory 11 of fig 5); and an encoding step of generating an image encoded bit stream see (col.7, lines 42-45) corresponding to a predetermined image format (to image decoder of fig 5), from said selected shape information and said image signal.

With respect to claim 7, Yagasaki discloses the image encoding method (10 of fig 5), wherein said plurality of shape information (image information from memory 11 is selected by 12 of fig 5 and encoded by encoder 13 of fig 5) are encoded in advance by an optional encoding format; and said method further comprising a decoding step of

Art Unit: 2626

decoding said shape information (the coded image by coder 13 to image decoder of fig 5) and outputting said decoded shape information to said encoding means (13 of fig 5).

With respect to claim 9, Yagasaki discloses a recording medium (7 of fig 5) in which a program for encoding an image signal and generating an image encoded bit stream is stored (coded image signal coded by coder 13 of fig 5, and generate a bit stream shown in fig 5), the program comprising: a step of selecting desired shape information (selector 12 of fig 5 image information) from a shape information memory (memory 11 of fig 5) storing a plurality of shape information, see (col.7, lines 49-53); and an encoding step (coder 13 of fig 5) of generating an image encoded bit stream (bit stream generated by 13 of fig 5) corresponding to a predetermined image format 9 to image decoder of fig 5), from said selected shape information and said image signal (as shown in 10 of fig 5).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2626

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki in view of Katata et al. (USP 5,978,515).

With respect to claims 2 and 6 Yagasaki does not teach adjustment means for adjusting the position and/or size of said selected shape information.

However, Katata et al. discloses adjustment means for adjusting the position and/or size of said selected shape information, (adjusting section 104 of fig 1 for adjusting an area position and various parameters used for controlling image quality, see col.4, lines 54-59).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the encoding and decoding method of Yagasaki to include: adjustment means for adjusting the position and/or size of said selected shape information.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the encoding/decoding method of Yagasaki by the teaching of Katata et al. because the method is characterized by making the image quality of selected area better than that of the other areas by adjusting encoding parameters.

***Claims Having Allowable subject matter***

5. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2626

With respect to claim 4, the prior art does not teach or disclose the image encoding apparatus, further comprising: first separation means for separating said shape information into header information and predetermined encoding units; second separation means for separating said image signal into header information and said predetermined encoding units; and said encoding means generating an image encoded bit stream by alternately inserting said separated shape information and said separated image signals.

With respect to claim 8, the prior art does not teach or disclose the image encoding method further comprising: a first separation step for separating said shape information into header information and predetermined encoding units; a second separation step for separating said image signal into header information and said predetermined encoding units; and said encoding step generating an image encoded bit stream by alternately inserting said separated shape information and said separated image signals.

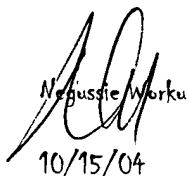
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 305-5441. The examiner can normally be reached on 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 703-305-4863. The fax phone

Art Unit: 2626

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Negussie Worku  
10/15/04



**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**